

April 28, 2010

The Honorable Rebekah Warren
Chair, Great Lakes and Environment Committee
S0987 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

RE: BPA in food contact packaging

Dear Chair Warren:

On behalf of the Grocery Manufacturers Association, I am writing to urge you and the members of the Great Lakes and Environment Committee to oppose House Bill 4522, including H-1, sponsored by Representative Meadows, which would ban a variety of food and beverage products and their packaging that may contain bisphenol A (BPA).

GMA represents the world's leading food, beverage, and consumer products companies. The Association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised of fifty-two chief executive officers from the Association's member companies. GMA member companies employ over 8,500 employees at 79 facilities in Michigan.

BPA is an ingredient that has been used in combination with other substances in the production of certain plastics and resins for more than 40 years. Some examples are polycarbonate, a clear, rigid, lightweight plastic used for beverage bottles and cups, and protective epoxy coatings that line the inside of food and drink cans and the tops of jar lids. These protective coatings help maintain the safety and quality of canned foods and beverages by preventing the contents from reacting with the metal that forms the can. The use of protective can linings slows down the rate of these interactions so much that modern canned foods, even high acid foods like fruits and vegetables, can be counted on to retain their nutrition, quality and consumer acceptability for years under a wide range of environmental and handling conditions.

The U.S. Food & Drug Administration (FDA) and food regulators around the world (e.g. European Food Safety Authority (EFSA) in EU, Germany, Japan, UK and Canada), including the World Health Organization (WHO) have repeatedly confirmed the safety of BPA continue to reaffirm the safety of BPA in light of new studies and the World Health Organization (WHO) have all evaluated and approved the safety of BPA. FDA approves BPA for use in food contact applications, and for more than 40 years, it has played an essential part in food preservation. Even California's Developmental and Reproductive Toxicant Identification Committee experts recently reviewed all the scientific evidence on the safety of BPA and determined that BPA should not be listed as a reproductive or developmental toxicant under Proposition 65. GMA is confident that the risk-analysis approach utilized by national and international regulatory agencies around the world to evaluate the risk associated with BPA exposure is scientifically sound and appropriate.

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Extensive studies have also looked at the potential for BPA to migrate from can coatings and food containers into various kinds of foods under various conditions. After careful review of available data, and using conservative estimates of dietary exposures based on migration into food under intentionally exaggerated test conditions, experts have concluded that human exposure to these substances from food packaging is minimal and poses no risk.

In February of 2007, the European Food Safety Authority completed its review of new studies published since 2002 and finalized a Tolerable Daily Intake (TDI), or safe daily exposure level, for BPA. The new data included a reproduction study in mice that followed offspring for 2 generations. The EFSA TDI is 0.05 mg/kg bodyweight/day. EFSA found that exposure to BPA in the diet is well below the TDI. This is true for all population groups including infants and children, who have the highest potential dietary exposure relative to body weight of any population group. EFSA found that a 3-month old baby weighing 6 kg (13.2 lb) would have to consume more than 4 times the normal number of bottles of formula per day to reach the TDI.

Additionally, in July and October of 2008, the EFSA's panel that examines food contact substances concluded, in response to two requests to re-examine BPA's safety and to a recent report in the Journal of the American Medical Association, that there is no need to reestablish new TDI levels. EFSA concluded a causal link between the diseases addressed in the JAMA report and low exposures of adults to BPA cannot be established. EFSA reported that there are significant metabolic differences between humans and rodents, and the fact that people metabolize and excrete BPA far more quickly than rodents reduces the relevance of low-dose studies when considering human TDI for BPA. The EFSA also looked at the U.S. National Toxicology Program's draft brief on BPA and Canada's action on BPA when making their conclusions. Highlighting the scientific inconsistencies with Canada's recent decision on BPA, EFSA's former AFC panel (the panel on additives, flavorings, processing aids and materials in contact with food) reported, "The Canadian risk assessment takes a precautionary approach for these sensitive life stages, taking into account the findings in the low-dose studies, although commenting that these are limited in rigor, consistency and biological plausibility."

The Canadian actions, amplified by the Environmental Working Group and a host of non-governmental organizations and activist groups, have sparked a tidal wave of negative news coverage that has been successful in creating consumer confusion and unnecessary alarm and policymaker activity. In response, the FDA is conducting its own research and BPA safety assessment update.

Contrary to media reports, there is no replacement for BPA that will work for all foods and metal packaging applications, because food formulations and processing requirements differ. An important benefit of modern canning technology is the availability of food that is economical and stays safe, nutritious, and wholesome for 2-3 years or more. The process to find a replacement for BPA that will work in all applications could take many years depending upon the composition of the alternative materials. An immediate ban on BPA will result in the loss of safe and necessary canned and jarred consumer products like the following:

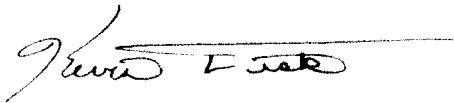
- Infant formula, liquid and powder
- Baby food
- Yogurt
- Applesauce
- Ice cream
- Fruits
- Vegetables

- Sauces
- Olives
- Pickles
- Tuna and other seafood
- Pasta
- Beans
- Soup
- Chili
- Whipped Toppings
- Chicken
- Sausages
- Meats
- Milk, condensed and evaporated
- Juice
- Items sold in plastic or paper with a metal peelable lid, or any jar with a "pop seal" lid would also likely be impacted.

GMA supports the FDA's advice to consumers that food and beverages in packages using bisphenol A (BPA) as a food safety barrier are safe and that packaging that may contain trace amounts of BPA are safe for use with food. We agree with FDA that there is no need for consumers to change their purchasing or consumption patterns.

For these reasons, GMA strongly opposes the proposal in House Bill 4522 and H-1 that would ban BPA in certain food and beverage products and asks you to reject this legislation. Thank you for considering GMA's comments.

Sincerely,



Kevin Fisk
Director, State Affairs

Cc: Great Lake and Environment Committee Members

